

60,130-1938; 02MRA0550/0351

REMARKS

Claims 1-17 remain pending in the application including independent claims 1 and 10. New dependent claims 18-21 have been added. Claims 6, 9, 11, 14, and 17 are indicated as allowable.

The drawings stand objected to for not showing every feature set forth in the claims. Specifically, the examiner argues that the drawings do not show the blinds having equal widths and being offset, and do not show a housing that permits the roller blinds to extend in different planes. Applicant is submitting Figures 8 and 9 in a replacement set of drawings. Figure 8 shows the blinds having equal widths and being offset. Support for Figure 8 is found at paragraph [21]. Figure 9 shows a housing that permits the roller blinds to extend in different planes. Support for Figure 9 is found at paragraph [23]. No new matter has been added. Applicant asserts that all drawings objections have now been fully addressed and respectfully requests that the objections be withdrawn.

Claims 1, 4, 5, 10, and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by DE '779. Claim 1 recites a roller blind wherein the first and second edges are offset in an axial direction relative to a rotational axis of the coiling body. The examiner argues that DE '779 discloses first 76 and second 78 roller blinds with axially offset edges. Applicant disagrees.

In DE '779 the first 76 and second 78 roller blinds are clearly coiled with their respective edges aligned, i.e. not offset. Figure 6 clearly shows that the opposing edges of the first 76 and second 78 roller blinds are arranged in the vehicle roof without any lateral offset along the rotational axis of the coiling body 92. Thus, DE '779 cannot anticipate claim 1. For similar reasons claim 10 is also not anticipated by DE '779.

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Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Pinkalla et al. (US 5542463). Claim 1 recites a first roller blind with a first edge, a second roller blind with a second edge, and a coiling body wherein the first and second edges are offset in an axial direction relative to a rotational axis of the coiling body. The examiner argues that Pinkalla discloses a rear roller blind 34a, 34b and a front roller blind 34b, 34c, with the rear panel being wider than the front panel such that the front and rear panels have offset edges. Applicant disagrees.

Pinkalla discloses a retractable hanging door curtain 20 for a doorway 12. The curtain 20 has a left side 14, a right side 16, and a top side 18. The doorway 12 has a left side frame 26, a right side frame 28, and a support roller 22 mounted at the top of the doorway 12. The curtain 20 has an upper main body panel 32 and a lower panel made up of a plurality of strips 34.

The examiner's arguments concerning "front" and "rear" panels is confusing and has nothing to do with the claim language set forth in claim 1. Further, strip panels 34a, 34b, and 34c are clearly not "front" or "rear" panels. At best, the strip panels 34a, 34b, and 34c, can be said to form a lower panel 34. Further, it is clear that the upper panel 32 and the lower panel 34 do not have edges that are offset from each other in an axial direction relative to a rotational axis of the coiling body. Figures 1, 3, and 6 all clearly show that the upper 32 and lower 34 panels have aligned edges.

Further, while it is well settled that the terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Bond, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Applicant's first and

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second roller blinds for a vehicle roof are clearly shown in Figures 2-7 and are described in the accompanying specification. These roller blinds are supported by a common coiling body and move in opposing directions. One of ordinary skill in the art simply would not consider the retractable hanging door curtain as corresponding to the claimed first and second roller blinds. Thus, for the reasons set forth above Pinkalla cannot anticipate claim 1.

Claims 7 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DE '779 in view of DE '919. For the reasons set forth above, DE '779 does not anticipate claims 1 or 10. DE '919 does not make up for the deficiencies of DE '779.

Further, the examiner argues that DE '919 shows edge bands that maintain the edges of a roller blind in guides. The examiner further argues that it would be obvious to modify DE '779 to include such edge bands "so as to maintain the blind in the track." The examiner has not provided any arguments or evidence to support such an assertion. The examiner has pointed to no teaching in the DE '919 reference itself that indicates any particular benefits provided in the DE '919 configuration. In addition, there is nothing in DE '779 that would have led one of ordinary skill in the art to believe that the DE '779 configuration was in any way deficient for the purposes of DE '779 or was in need of modification. The examiner has not provided any arguments or evidence indicating that the blinds in DE '779 are insufficiently supported or in need of a guiding track. One of ordinary skill in the art would have found no reason, suggestion, or incentive for attempting to combine these references so as to arrive at the claimed subject matter other than through the luxury of hindsight. Thus, the rejection of claims 7 and 15 under 35 U.S.C. 103(a) is improper and applicant respectfully requests that the rejection be withdrawn.

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Claims 8 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DE '779 in view of Jeuffray (US 5067546). For the reasons set forth above, DE '779 does not anticipate claims 1 or 10. Jeuffray does not make up for the deficiencies of DE '779.

Claims 10, 12, and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pinkalla in view of Kraeutler (US 5183093). The examiner's rejection of claim 10 fails for the same reasons set forth above in response to the examiner's rejection of claim 1 based on Pinkalla. Kraeutler does not make up for the deficiencies of Pinkalla.

Further, claim 10 recites a guide that accommodates the first and second edges. In the rejection of claim 1 under 35 U.S.C. 102(b), the examiner argued that Pinkalla disclosed "a guide 60" for the first and second edges. Applicant disagrees. Component 60 in Pinkalla is a seal, not a guide. Again, the examiner's interpretation of the claim language must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. One of ordinary skill in the art would not consider the door seal 60 of Pinkalla as corresponding to applicant's claimed guides. Thus, the rejection of claim 10 based on Pinkalla and Kraeutler is improper and must be withdrawn.

Finally, Pinkalla is non-analogous art. The test for analogous art is first whether the art is within the field of the inventor's endeavor and, if not, whether it is reasonably pertinent to the problem with which the inventor was involved. See In re Wood, 599 F.2d 1032, 1036; 202 USPO 171, 174 (CCPA 1979). A reference is reasonably pertinent if it logically would have commended itself to an inventor's attention in considering his problem because of the matter with which it deals. See In re Clay 966 F.2d 656; 23 USPO2d 1058, 1061 (Fed. Cir. 1992).

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Pinkalla is clearly not within the field of the inventor's endeavor. The inventor's field of endeavor concerns roller blinds for vehicle roof systems. Pinkalla's field of endeavor concerns barriers for doorways in buildings. Thus, Pinkalla fails the first prong of the analogous art test.

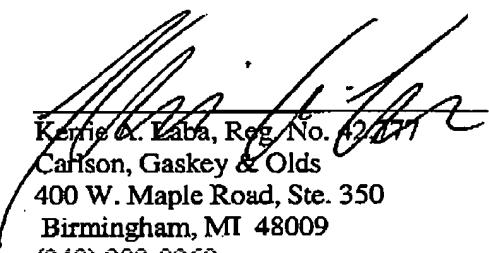
Pinkalla also fails the second prong of the analogous art test. Pinkalla is not reasonably pertinent to the problem with which applicant was involved. Applicant wanted to avoid having a coiling body with a high thickness at its edges, which would adversely affect system operability and require an unnecessarily large amount of space to accommodate the increased thickness. Pinkalla was seeking to provide an air-blocking curtain to allow partitioning of a room, or closure of a doorway to better control temperature within the room; and to provide a curtain that could be selectively adjusted or removed so that the curtain did not brush against people as they moved through the doorway. Thus, Pinkalla is not reasonably pertinent to applicant's problem because it would not have logically commended itself to applicant's attention in considering his problem because of the matter with which it deals.

Applicant asserts that all claims are in condition for allowance and respectfully requests an indication of such. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for one (1) additional dependent claim. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit

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Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

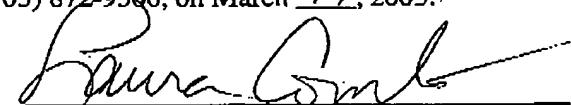
Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (703) 872-9306, on March 17, 2005.


Laura Combs